

# Representations and Certifications

**Solicitation/Subcontract Number:** \_\_\_\_\_

CH2M HILL is performing this work under a Federal prime contract. This prime contract requires CH2M HILL to obtain certain information and certifications from your organization. The information requested is in accordance with the Federal Acquisition Regulation (FAR) and the related sections of the FAR are cited for your reference. You are required to fully complete the appropriate sections of this form and return the original signed copy to CH2M HILL along with your bid/proposal. The Representations and Certifications must be signed by an individual capable to commit your company. An award to your company cannot be made until this document is completed, signed and in the CH2M HILL offices. Your cooperation is greatly appreciated.

The offeror represents and certifies as part of its offer that:

## **1. Small Business Program Representations (FAR 52.219-1, modified) (October 2001)**

- (a) (1) The North American Industry Classification System (NAICS) code for this acquisition is \_\_\_\_\_. *(To be completed by CH2M HILL. If no NAICS code is included, contact the procurement specialist/subcontract administrator for this solicitation.)*
- (2) The small business size standard is \_\_\_\_\_. *(To be completed by CH2M HILL)*
- (3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

### **(b) Representations.**

- (1) The offeror represents as part of its offer that it:

☐ is ☐ is not a small business concern.

- (2) Complete this (b)(2) only if offeror represented itself as a small business concern in (b)(1), above. The offeror represents, for general statistical purposes, that it:

☐ is ☐ is not a small disadvantaged business concern.

If offeror represents itself as a small disadvantaged business concern, it also represents that such certification as a small disadvantaged business concern has been received, consistent with 13 CFR 124, Subpart B and is evidenced on the date of this representation on the register of small disadvantaged business concerns maintained by the Small Business Administration. No material change in disadvantaged ownership and control has occurred since its certification. Where the concern is owned by one or more disadvantaged individuals, the net worth of each individual upon whom the certification is based does not exceed \$750,000 after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2).

- (3) Complete this (b)(3) only if offeror represented itself as a small business concern in (b)(1), above. The offeror represents as part of its offer that it:

☐ is ☐ is not a women-owned small business concern.

- (4) Complete this (b)(4) only if offeror represented itself as a small business concern in (b)(1), above. The offeror represents as part of its offer that it:

☐ is ☐ is not a veteran-owned small business concern.

- (5) Complete this (b)(5) only if offeror represented itself as a small business concern in (b)(4), above. The offeror represents as part of its offer that it:

☐ is ☐ is not a service-disabled veteran-owned small business concern.

- (6) Complete this (b)(6) only if offeror represented itself as disadvantaged in paragraph (b)(2), above. The offeror shall check the category in which its ownership falls:

\_\_\_\_\_ Black American.

\_\_\_\_\_ Hispanic American.

\_\_\_\_\_ Native American (American Indians, Eskimos, Aleuts, or Native Hawaiians).

\_\_\_\_\_ Asian-Pacific American (persons with origins from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia, (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru).

\_\_\_\_\_ Subcontinent Asian (Asian-Indian) American (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal).

- (7) Complete this (b)(7) only if offeror represented itself as a small business concern in paragraph (b)(1), above.

☐ is ☐ is not a HUBZone small business concern listed, on the date of this representation, on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration, and no material change in ownership and control, principal place of ownership, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR part 126; and

☐ is ☐ is not a joint venture that complies with the requirements of 13 CFR part 126, and the representation in paragraph (b)(7) above of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture. *The offeror shall enter the name or names of the HUBZone small business concern or concerns that are participating in the joint venture:*

\_\_\_\_\_. Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.

- (c) The above terms are defined in accordance with FAR 52.219-1.

- (d) **Notice:** Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small, HUBZone small, small disadvantaged, or woman-owned small business concern in order to obtain a contract to be awarded under the preference programs established pursuant to section 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of the Federal law that specifically references section 8(d) for a definition of program eligibility, shall; (i) Be punished by imposition of fine, imprisonment, or both; (ii) Be subject to administrative remedies, including suspension and debarment; and (iii) Be ineligible for participation in programs conducted under the authority of the Act.

## 2. Previous Contracts and Compliance Reports (FAR 52.222-22) (Feb 1999)

The offeror represents that:

- (a) It ☐ has, ☐ has not, participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation;

- (b) It ☐ has, ☐ has not, filed all required compliance reports (*note that if no reports were required, mark "has" filed all reports*); and
- (c) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards.

**3. Affirmative Action Compliance (FAR 52.222-25) (Apr 1984)**

The offeror represents that it: *(Complete either item (a) or (b) only)*

- (a) ☐ has developed and has on file, or ☐ has not developed and does not have on file, at each establishment, affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2),
- or**
- (b) ☐ has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

**4. Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters (FAR 52.209-5) (Jan 2001)**

- (a) (1) The offeror certifies, to the best of its knowledge and belief, that:
  - (i) The offeror and/or any of its Principals:
    - (A) ☐ are ☐ are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;
    - (B) ☐ have ☐ have not, within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state or local) contract or subcontract; violation of Federal or state anti-trust statutes relating to the submission of offers, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and
    - (C) ☐ are ☐ are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in subdivision (a)(1)(i)(B) of this provision.
  - (ii) Reserved.
  - (iii) The offeror ☐ has ☐ has not, within a three-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.
- (2) "Principals," for the purposes of this certification, means officers; directors, owners, partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

This certification concerns a matter within the jurisdiction of an agency of the United States and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under section 1001, title 18, United States Code.

- (b) The offeror shall provide immediate written notice to CH2M HILL if, at any time prior to contract award, the offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (c) A certification that any of the items in paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be

considered in connection with a determination of the offeror's responsibility. Failure of the additional information as requested by CH2M HILL may render the offeror non-responsible.

- (d) Nothing contained in offeror to furnish a certification or provide such the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- (e) The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the offeror knowingly rendered an erroneous certification, in addition to other remedies available to CH2M HILL and the Government, CH2M HILL may terminate the contract resulting from this solicitation for default.

**5. Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions. (FAR 52.203-11) (Apr 1991)**

- (a) The definitions and prohibitions contained in the clause at FAR 52.203-12, Limitation on Payments to Influence Certain Federal Transactions, included in this solicitation, are hereby incorporated by reference in paragraph (b) of this certification.
- (b) The offeror, by signing its offer, hereby certifies to the best of his or her knowledge and belief that on or after December 23, 1989:
  - (1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress on his or her behalf in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement;
  - (2) If any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with this solicitation, the offeror shall complete and submit, with its offer, OMB standard form LLL, Disclosure of Lobbying Activities to the Contracting Officer; and
  - (3) He or she will include the language of this certification in all subcontract awards at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and disclose accordingly.
- (c) Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by section 1352, title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

**6. Certification of Toxic Chemical Release Reporting (FAR 52.223-13) (Oct 2000)**

- (a) Submission of this certification is a prerequisite for making or entering into this subcontract imposed by Executive Order 12969, August 8, 1995.
- (b) By signing this offer, the offeror certifies that:

- (1) As the owner or operator of facilities that will be used in the performance of this subcontract that are subject to the filing and reporting requirements described in section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11023) and section 6607 of the Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13106), the offeror will file and continue to file for such facilities for the life of the subcontract the Toxic Chemical Release Inventory Form (Form R) as described in sections 313(a) and (g) of EPCRA and section 6607 of PPA; or
- (2) None of its owned or operated facilities to be used in the performance of this subcontract is subject to the Form R filing and reporting requirements because each such facility is exempt for at least one of the following reasons: *(Check each block that is applicable.)*
  - ☐ (i) The facility does not manufacture, process, or otherwise use any toxic chemicals listed under section 313(c) of EPCRA, 42 U.S.C. 11023(c).
  - ☐ (ii) The facility does not have 10 or more full-time employees as specified in section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A).
  - ☐ (iii) The facility does not meet the reporting thresholds of toxic chemicals established under 313(f) of EPCRA, 42 U.S.C. 11023(f) (including the alternate thresholds of 40 CFR 372.27, provided an appropriate certification form has been filed with EPA).
  - ☐ (iv) The facility does not fall within Standard Industrial Classification Code (SIC) major groups 20 through 39 or their corresponding North American Industry Classification System (NAICS) sectors 31 through 33.
  - ☐ (v) The facility is not located within any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, or any other territory or possession over which the United States has jurisdiction.

**7. Buy American Act -- Free Trade Agreements--Israeli Trade Act Certificate (FAR 52.225-4) (Jan 2004)**

(a) The offeror certifies that each end product, except those listed in paragraph (b) or (c) of this provision, is a domestic end product and that the offeror has considered components of unknown origin to have been mined, produced, or manufactured outside the United States. The terms "component," "domestic end product," "end product," "foreign end product," and "United States" are defined in the clause of this solicitation entitled "Buy American Act—Free Trade Agreements—Israeli Trade Act."

(b) The offeror certifies that the following supplies are FTA country end products or Israeli end products as defined in the clause of this solicitation entitled "Buy American Act-- Free Trade Agreements--Israeli Trade Act":

FTA Country or Israeli End Products:

Line Item No.:	Country of Origin:

*[List as necessary]*

(c) The offeror shall list those supplies that are foreign end products (other than those listed in paragraph (b) of this provision) as defined in the clause of this solicitation entitled "Buy American Act--Free Trade

Agreement--Israeli Trade Act." The offeror shall list as other foreign end products those end products manufactured in the United States that do not qualify as domestic end products.

Other Foreign End Products

Line Item No.:	Country of Origin:

*[List as necessary]*

(d) CH2M HILL will evaluate offers in accordance with the policies and procedures of Part 25 of the Federal Acquisition Regulation.

**Trade Agreements Certificate (Jan 2004) (FAR 52.225-6) (Jan 2004) (Modified)**

(a) The offeror certifies that each end product, except those listed in paragraph (b) of this provision is a U.S.-made, designated country, Caribbean Basin country, or FTA country end product, as defined in the clause of this solicitation entitled "Trade Agreements."

(b) The offeror shall list as other end products those supplies that are not U.S.-made, designated country, Caribbean Basin country, or FTA country end products.

Other End Products

Line Item No.	Country of Origin:

*[List as necessary]*

(c) CH2M HILL will evaluate offers in accordance with the policies and procedures of Part 25 of the Federal Acquisition Regulation. For line items subject to the Trade Agreements Act, the Government will evaluate offers of U.S.-made, designated country, Caribbean Basin country, or FTA country end products without regard to the restrictions of the Buy American Act. The, Government will consider for award only offers of U.S.-made, designated country, Caribbean Basin country, or FTA country end products unless the Contracting Officer determines that there are no offers for such products or that the offers for those products are insufficient to fulfill the requirements of this solicitation.

**SIGNATURE/CERTIFICATION**

By signing below, the bidder/offeror certifies, under penalty of law, that the above certification is accurate, current and complete. The bidder/offeror further certifies that it will notify CH2M HILL of any changes to these certifications. The certifications made by the bidder/offeror, as contained herein, concern matters within the

jurisdiction of an agency of the United States and the making of a false, fictitious, or fraudulent representation or certification may render the maker subject to prosecution under Title 18, United States Code, Section 1001.

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Signature of Bidder/Offeror Responsible for Bid/Offer

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Date

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Typed Name of Person Responsible for the Bid/Offer

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Title of Person Responsible for the Bid/Offer

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Name of Organization

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Street

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City

State

Zip